

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
FORT LAUDERDALE DIVISION**

DAVID KANEN,

Plaintiff,

v.

**BBQ HOLDINGS, INC. d/b/a
FAMOUS DAVE'S OF AMERICA,
INC.,**

Defendant.

Case No.: _____

NOTICE OF REMOVAL

Defendant, BBQ Holdings, Inc. d/b/a Famous Dave's of America, Inc. ("BBQ Holdings"), gives notice of its removal of the civil action entitled *David Kanen v. BBQ Holdings, Inc. d/b/a Famous Dave's of America, Inc.*, pending in the Circuit Court of the Seventeenth Judicial Circuit, in and for Broward County, Florida, as Case No. 23-CA-19356, to the United States District Court for the Southern District of Florida, Fort Lauderdale Division.

As grounds for this removal, BBQ Holdings states as follows:

1. On or about October 19, 2023, Plaintiff, David Kanen ("Plaintiff"), filed a Complaint in the 17th Judicial Circuit in and for Broward County, Florida, Civil Division, Case No. 2023-CA-019356. BBQ Holdings, the only

Defendant in this action, was served with a summons and a copy of the Complaint on October 26, 2023. Copies of Plaintiff's process and pleadings (the entire State court file) filed in said action are attached hereto as Composite **Exhibit A** in accordance with 28 U.S.C. § 1446(a)

2. Plaintiff is a Florida citizen who resides in Broward County, Florida.

3. BBQ Holdings is now and was at all relevant times hereto, including at the time of filing this Notice of Removal and the commencement of Case No. 2023-CA-019356, a Minnesota Corporation with its nerve center and principal place of business in Minnetonka, Minnesota. Therefore, pursuant to 28 U.S.C. § 1332(c)(1), BBQ Holdings is deemed to be a citizen of the State of Minnesota. See Polanco v. Ford, 1:21-CV-21906, 2022 WL 71569, at *4 (S.D. Fla. Jan. 7, 2022).

4. BBQ Holdings is the only Defendant in this action. Consequently, in accordance with 28 U.S.C. § 1446(b)(2)(A), all Defendants who have been properly joined and served join and consent to the removal of this action.

5. This Court has original jurisdiction over this action pursuant to the provisions of 28 U.S.C. § 1332(a)(1). This action is one that BBQ

Holdings may remove to this Court pursuant to 28 U.S.C. § 1441(a) as this is an action between citizens of different states.

6. The amount in controversy is in excess of \$75,000 in compensatory damages and costs. Specifically, Plaintiff alleges in his Complaint that BBQ Holdings failed to honor an agreement concerning 40,000 shares resulting in approximately \$500,000.00 in damages, not including interest and consequential damages (Complaint, ¶¶16, 19, 20, 21).

7. This Notice of Removal is filed within thirty (30) days from which it was first ascertained that this case is one which is or has become removable and prior to one year after the commencement of the action as required by 28 U.S.C. § 1446(b).

8. Pursuant to 28 U.S.C. §1446(a), the United States District Court for the Southern District of Florida is the proper district to file this removal based upon where the state court action was filed. See 28 U.S.C. § 89(a).

9. A copy of this Notice of Removal has been filed with the Clerk for the 17th Judicial Circuit in and for Broward County, Florida, and served upon other counsel of record.

10. All prerequisites for removal under 28 U.S.C. §§ 1441 and 1446 have been met.

Dated this 15th day of November 2023.

Respectfully submitted,

DENTONS COHEN & GRIGSBY P.C.

/s/ Jason Hunter Korn

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by email and U.S. regular mail, on this 15th day of November 2023, upon the following:

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/s/ Jason Hunter Korn

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